

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

CECELIA TINNEY,

Plaintiff,

vs.

LEXINGTON INSURANCE COMPANY,

Defendant.

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

NO. 3:06cv596-SRW

**MOTION TO EXTEND TIME TO CONDUCT MEETING OF THE  
PARTIES AND FILE RULE 26 REPORT**

COMES NOW, Defendant Lexington Insurance Company ("Lexington") and moves this court for an extension of time to conduct the meeting of the parties and file the report of the parties required by Rule 26 and the Preliminary Scheduling Order entered by this Court. For cause, Lexington state as follows:

1. Plaintiff filed her complaint in state court on May 1, 2006. Defendant Lexington removed the case to this Court on June 30, 2006.
2. On July 17, 2006, Plaintiff filed a Motion to Remand the case back to state court.
3. Lexington responded to the Motion to Remand, and the motion is now pending before this Court.
4. This Court's preliminary scheduling order requires the parties to meet and file a Rule 26 Report of the parties by August 21, 2006.

**MOTION DENIED**

THIS 17th DAY OF August, 20 06  
[Signature]  
UNITED STATES MAGISTRATE JUDGE

5. An extension of twenty-one (21) days from the date of this Court's decision on Plaintiff's Motion to Remand will not prejudice any party or unnecessarily delay the proceedings.

WHEREFORE, Lexington request an order of this Court granting twenty-one (21) days from the date of this Court's decision on Plaintiff's Motion to Remand for the parties to conduct the meeting of the parties and file the report of the parties required by Rule 26 and the Preliminary Scheduling order entered by this Court.

Dated 16th day of August, 2006.

/s/ William C. Grayson

JAMES W. LAMPKIN, II (LAMPJ7474)

E-Mail: jwl@alfordclausen.com

WILLIAM C. GRAYSON (GRAYW0062)

E-Mail: wcg@alfordclausen.com

Attorneys for Lexington Insurance Company

OF COUNSEL:

ALFORD, CLAUSEN & McDONALD, LLC

One St. Louis Centre, Suite 5000

Mobile, Alabama 36602

(251) 432-1600

(251) 432-1700 (fax)

CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2006, the foregoing document was electronically filed with the Clerk of this Court using the CM/ECF system which will send notification of such filing to the following:

John A. Tinney, Esq.

P.O. Box 1430

Roanoke, AL 36274

/s/ William C. Grayson

COUNSEL